

2008-109 AUDIT SCOPE AND OBJECTIVES—Office of Administrative Hearings' Special Education Division and the Department of Education

The audit by the Bureau of State Audits will provide independently developed and verified information related to the administration of hearings held by the OAH's Special Education Division and the related responsibilities of the CDE, and would include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Determine the roles and responsibilities of both the CDE and the OAH with respect to special education hearings and mediations. Determine the type of oversight responsibilities, if any, that the CDE exerts regarding OAH or whether the OAH can act on its own accord.
3. Determine how the CDE fulfills its responsibilities and assess whether the CDE has oversight responsibility over the OAH's performance under the interagency agreement and other applicable criteria (e.g., state law or regulations), and if so whether CDE's oversight is adequate.
4. Review OAH's sources and uses of funds the Special Education Division receives. Determine whether the OAH's uses of funds align with fulfilling its responsibilities and whether such uses are allowable per the state laws and regulations, the interagency agreement with CDE, and other applicable requirements as identified. Calculate the cost of the special education hearing and mediation processes.
5. Determine, to the extent possible, the costs associated with the special education hearing and mediation processes prior to the interagency agreement with OAH and compare with OAH's costs. Determine the reasons for any significant variances.
6. To the extent possible, identify appropriate points of comparison, and at a minimum, examine how the following factors have fluctuated over the last five years:
 - a. Number of settlements.
 - b. Number and cost of appeals.
 - c. Number and average time taken to resolve disputes.
 - d. Number of cases with repeat individuals or family members.
 - e. Number of mediations and success rates.

7. If appropriate, make recommendations related to the future provision of special education mediation and adjudication functions.